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9 *Attorneys for Plaintiff*

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF NEW YORK

12 JAMES COSTELLO, on behalf of
13 himself and those similarly situated,

14 Plaintiff,

15 vs.

16 CNX MIDSTREAM PARTNERS LP.,
17 CNX MIDSTREAM GP LLC, CNX
18 RESOURCES CORPORATION, CNX
19 RESOURCES HOLDINGS LLC,
20 NICHOLAS J. DEIULIIS, RAYMOND T.
21 BETLER, CHAD A. GRIFFITH, JOHN E.
22 JACKSON, JOHN A. MAHER, DONALD
23 W. RUSH, and HAYLEY F. SCOTT,

24 Defendants.

Case No.: 1:20-cv-06820-NRB

**NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

1 Notice is hereby given that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil
2 Procedure, plaintiff James Costello (“Plaintiff”) voluntarily dismisses this action without prejudice
3 as to both the Plaintiff’s individual claims and the claims of the putative class. This notice of
4 dismissal is being filed before service by Defendants of either an answer or a motion for summary
5 judgment. Since no class has been certified and the dismissal is without prejudice as to the
6 members of the putative class, notice of this dismissal is not required. Plaintiff’s dismissal of this
7 Action is effective upon filing of this notice.

8
9 Dated: October 22, 2020

BRODSKY & SMITH, LLC

10 /s/ Evan J. Smith

11 Evan J. Smith

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